

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

LARRY T. OUTLAW,)	
)	
Plaintiff,)	
v.)	No. 2:09-cv-0036-WTL-TAB
)	
ALAN FINNAN, Superintendent, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff's motion for extension of time to respond to defendant's motion for summary judgment (dkt 56) is **granted**. The plaintiff shall have **through June 10, 2010**, in which to respond to the motion for summary judgment filed by defendants Blomquist and Talens.

2. The plaintiff has filed a motion (dkt 55) asking the court to order prison officials to release to him a copy of certain portions of his medical chart, including health care request forms that had been submitted "within the past few weeks." He alleges that he needs such documents in order to respond to the pending motion for summary judgment. Rule 56(f) provides a procedure for requesting relief under these circumstances: move for a continuance and submit an affidavit explaining why the additional discovery is necessary. *Farmer v. Brennan*, 81 F.3d 1444, 1449 (7th Cir. 1996) ("When a party is unable to gather the materials required by Rule 56(e), the proper course is to move for a continuance under Rule 56(f)."). A Rule 56(f) motion must state the reasons why the party cannot adequately respond to the summary judgment motion without further discovery and must support those reasons by affidavit. *Grayson v. O'Neill*, 308 F.3d 808, 816 (7th Cir. 2002)(citing *Kalis v. Colgate-Palmolive Co.*, 231 F.3d 1049, 1058 n.5 (7th Cir. 2000)). Even if the court were to construe the plaintiff's request as a request pursuant to Rule 56(f), he has failed to submit an affidavit showing how any particular medical records, including those created in 2010, could be relevant to his claim which arose in 2007. In other words, the plaintiff has failed to show that he cannot present facts essential to his opposition to the motion for summary judgment without having greater access to or copies of his medical records. The plaintiff's motion for court order (dkt 55) is **denied**.

IT IS SO ORDERED.

Date: 05/21/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

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